



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
OFFICE OF THE ADMINISTRATOR
WASHINGTON, DC 20460

FACSIMILE TRANSMISSION

TO:

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FROM:

Administrator Jackson

COMMENTS:

DATE: 5/7

TIME: _____

PAGES: 5

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Laura D. K. Farwell, PhD, 211 N. Jackson Blvd., Marquette, Michigan 49855

April 30, 2010

Ms. Lisa P. Jackson
Administrator, Environmental Protection Agency

Dear Lisa,

I write as a fellow (graduate) Princeton alum with a time-sensitive S.O.S. for environmental justice and one fifth of the earth's fresh water in Lake Superior, Lake Michigan, and the Great Lakes Basin. Thank you for the leadership and legitimacy you have brought to the Environmental Protection Agency and for your commitment to exercise the EPA's authority to protect and reclaim our nation's water and air.

In short, I urge you to exercise all the EPA's authority to provide federal oversight in the state of Michigan, our most economically challenged state where the mere promise of "jobs" now trumps environment, to protect water and air from environmental and health damage due to metallic sulfide and uranium mining. My letter, and the more detailed background and rationale attached, will justify and explain this request.

Urgent Request

Please exercise all the EPA's authority to provide federal oversight in the state of Michigan to protect water and air from environmental and health damage due to metallic sulfide and uranium mining.

Michigan desperately needs oversight of Clean Air and Clean Water Acts enforcement. I would urge a NEPA analysis of this threat in the Northern Midwest. Lakes Michigan and Superior, major tributaries and their watersheds are at risk.

Our latest challenge is that Rio Tinto convinced the state that they no longer need a water discharge permit from the EPA; this would be the final permit needed for their first proposed sulfide mine and would activate the state's lease of public land to Rio Tinto. The EPA has yet to comment on Rio Tinto's unilateral declaration that they have all they need to begin mining. In the meantime, a citizen was jailed for allegedly trespassing on public land with her yellow Lab, and inspired by the citizen and appalled by her arrest, members of the Keweenaw Bay Indian Community are camping on Eagle Rock indefinitely to protect their sacred site, designated in federal treaty, from being blasted into a mine portal.

Please insure that the EPA rejects Rio Tinto/Kennecott's request to withdraw their Underground Injection Control (UIC) permit application. As the Keweenaw Bay Indian Community wrote to Bharat Mathur, Acting Regional Administrator for Region 5, the new system that Rio Tinto wants is still a "sub-surface fluid distribution system" and thus requires an EPA UIC permit.

Specifically, please:

1. Exercise federal oversight in Michigan as dictated by "primacy" to protect state water and air from metallic sulfide and uranium mining. State officials have publicly and consistently acknowledged that they lack budget for oversight, so this enterprise, if allowed, would have no oversight. Neither state officials nor Rio Tinto would testify in court that their mine design is safe. This is very disturbing given Rio Tinto's domestic (as measured in CWA violations alone) and international environmental performance.
2. Require that Rio Tinto/Kennecott conduct a third party Environmental Impact Statement (EIS) for their Eagle Project. A third-party EIS is required by state law (Part 632), but the state has inexplicably exempt Rio Tinto.

3. Require that the global mining industry exploring 40+ sites in Michigan's Upper Peninsula alone, conduct an EIS for their "industrial mining complex" that would run from Michigan's Upper Peninsula west to the headwaters of Minnesota's Boundary Waters. While Rio Tinto boasts 100+ "Eagle-like deposits," this EIS must cross state (even country) borders and focus on the Lake Michigan and Lake Superior Basins. The EIS must incorporate the impacts of ore processing and smelting and not simply be viewed as many, many individual mines but as the region the industry has targeted.
4. Require a hydrology study for the Eagle Project and for each successive proposed mine. Rio Tinto has not produced any evidence that they understand the hydrology of the Salmon Trout and Yellow Dog Rivers and watersheds and that is precisely where they intend to blast their underground mine. Again, experts have serious concerns about the proposed mine's structural integrity and have concluded that potential collapse, with the draining of the Salmon Trout River into the mine, is a likely risk.

The scale of the threat is clear. The mining industry wants ore from the Mid-Continent Rift, which runs through Northern Wisconsin and Minnesota, across the U.P. and down into Michigan's mitten. The cruel irony is that the Great Lakes Basin sits over the Rift. Metallic sulfide mining would be a prolific and unstoppable font of acid mine drainage in such a water-rich region. Airborne particulates from mining and ore processing would destroy the purity and beauty of the area. The issue is far more complex than space allows, and includes violated federal treaty rights with indigenous people and the future of the endangered Coaster Brook Trout.

Please come visit Michigan's Upper Peninsula to see first hand the scale and the scope of what the EPA can help save simply by enforcing existing laws. As a transplanted Easterner, I appreciate first-hand how difficult it can be to understand relative distances and volumes of water in the Northern Midwest without experience of the place itself. I and others would be happy to do anything possible to make your visit efficient and productive. This area boasts the special beauty and wild areas that remain from the rust belt.

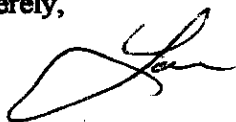
I would urge you on the same trip to have a second tour given by the partnership of Rio Tinto and State of Michigan officials so that you experience (also first-hand) the lack of science and hydrology being applied relative to the Great Lakes' future. My expectation is that your visit would show you the extreme urgency of the EPA's exercising it's authority to the highest level.

Again, please exercise the EPA's highest authority and provide state oversight in Michigan. The Great Lakes Basin and the water that supports countless species and provides millions in the U.S. with drinking water is critical for our children today and tomorrow. Please help implement new regulations to protect the waterways, environment and communities in the Superior Basin as you have done for those in Appalachia.

Your attention to the risk of an "industrial mining complex" in a water rich area will determine the course of important history and future for part of the planet.

Please let me know how I can help.

Sincerely,



Laura D. K. Farwell, PhD *91

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Attachment: Background and Rationale

Background and Rationale

On a macro-level, this issue is about a metallic sulfide and uranium mining district that, if allowed, would span Michigan's Upper Peninsula (U.P.) west to Minnesota's Boundary Waters. Wisconsin presently has a moratorium on sulfide mining until the industry can produce an example of such a mine that keeps area waters clean during and 10 years after operation.

Despite claims of stringent mining laws, created in part by the mining industry, the state lacks checks and balances, the funds, and the will necessary to protect natural resources and communities from unbridled extraction, processing, smelting, and export. Rio Tinto/Kennecott's first proposed mine, the Eagle Project, if allowed, would be the first in their desired "industrial mining complex." Under oath, state officials have said that they approved a project they will not call safe and which they did not review according to the law.

Michigan's Department of Environmental Quality¹ (MDEQ)'s own experts (before conveniently being relocated and pulled off of this project) have expressed serious concern about the proposed mine's design. Dr. David Sainsbury reiterated his concerns about the proposed Eagle mine's safety that, according to testimony, was repeatedly suppressed at the MDEQ. Email and court records indicate that Dr. Sainsbury also voiced his concerns to Rio Tinto in England. In his words, the methodology and design work is "not considered to be defensible." He asked for hydrological analysis. This information was documented before Dr. Sainsbury was transferred to New Zealand, just prior to the start of legal proceedings. As Kennecott knows, world renowned mining consultant Wilson Blake had more blunt comments about their application's worth.

To provide further example of the "science" used in Eagle's design, "industry icon" geologist Jack Parker (who happens to be among the minority wishing to mine the Yellow Dog Plains) has called Kennecott's application "sloppy" and said that it "should be returned to sender." On November 15th, 2008, he wrote:

Please be aware that the basic assumptions on which all of the analyses and designs were based are not valid, therefore the conclusions and recommendations are likewise not valid. Period! There's nothing to quibble about. Throw it out! Nobody can give a reliable assessment of potential stability or instability of the mine, and the crown pillar, in particular, without knowing the state of stress in the rocks there - and nobody does know the state of stress. Calculated safety factors and probabilities of failure are therefore worthless. They are actually worse than worthless because they offer a false sense of security to the unwary or uninformed. These very basic concerns were made known to Kennecott and to Rio Tinto; to the MDNR and DEQ and to the courts, and to all "experts" involved in the project - but without exception they have been, to date, blithely ignored and the project has been pushed as if all was satisfactory.

The EPA has yet to issue their decision about the UIC, and it is my understanding that both the Keweenaw Bay Indian Community and National Wildlife Federation are in talks with the EPA on this issue presently—including Rio Tinto/Kennecott's application to withdraw their UIC permit application. The National Resources Defense Council is following the issue and may soon join the discussion.

Many more organizations have been fighting this issue at large for over seven years; science, economics, and common sense rule against it; and Governor Granholm has gone mute on the topic. State officials call

¹ Due to budget cuts, Michigan's Department of Environmental Quality, chartered with review of the permit applications by Governor Granholm, has been recently merged with Michigan's Department of Natural Resources (MDNR) to create the new Michigan Department of Natural Resources and Environment (MDNRE).

Rio Tinto/Kennecott their "customer," and the state's Eagle Project leader said under oath that his team did not review the permit applications as required by Michigan state law.

Rio Tinto has also chosen to disregard three federal agencies' serious concerns about their proposed haul road which would destroy wild areas, wilderness areas, and wetlands. This includes concerns of the EPA. While a profitable plan for Rio Tinto as the proposed road directly connects mine site with processing site, it will unnecessarily sever and contaminate of the most pristine wet and wild expanses in the U.P.

If your Office of Research and Development conducted a review of studies on aquatic life and water quality impacts of metallic sulfide and uranium mining, as they did for mountain mining and valley fills, their conclusions would be sobering.